

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference 25336	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/14888	International filing date (<i>day/month/year</i>) 23.12.2003	Priority date (<i>day/month/year</i>) 17.02.2003
International Patent Classification (IPC) or both national classification and IPC E03D9/03		
Applicant RE.LE.VI.-S.P.A. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 23.06.2004	Date of completion of this report 10.11.2004
Name and mailing address of the international preliminary examining authority: <div style="display: flex; align-items: center;"> <div> European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 </div> </div>	Authorized Officer Flygare, E Telephone No. +49 89 2399-7062



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/14888

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-15 as originally filed

Claims, Numbers

1-7 as originally filed

Drawings, Sheets

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/14888**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-7
	No: Claims	
Inventive step (IS)	Yes: Claims	1-7
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/14888

1. Reference is made to the following documents:

D1: DE 101 13 036 A
D2: US 2004/0148036 A

Referring to item V

2. The present application **meets the requirements** of Article 33(1) PCT, because the subject-matter of claims **1 to 7 is novel and involves an inventive step** in the sense of Articles 33(2) and (3) PCT.

2.1 Independent claim 1

2.1.1 Document **D1**, which is considered to represent the most relevant state of the art, discloses a multiple liquid active substance dispenser for a W.C. bowl, to be housed within the W.C. bowl (see abstract of document D1), comprising at least two bottles (2, 3) having separate internal chambers (see fig. 2), each for containing an active substance in the liquid state ("Vorratsbehälter für Wirkstofffluid") and having an exit mouth (4) for the active substance, and a support means (see fig. 2) for supporting said bottles (2, 3) in an inverted position (see fig. 2), with their mouth facing downwards (see fig. 2), in a position subjected to the action of the flushing water flow (the action is realized by "Betätigungselement" 6), said bottles (2, 3) being separate from the support means (see fig. 2).

2.1.2 **The technical problem to be solved** by the present application may therefore be regarded as provide a dispenser with two separate bottles which empty substantially at the same time.

2.1.3 **The technical problem posed is solved** with the support means which comprises: for containing the active substance at least two reservoirs (21) located in a position subjected to the action of the flushing water flow and arranged to receive the mouth (12) of the bottle, like number of closure members (30), each positioned in said containing reservoir (21) to each close the mouth (12) of the respective bottle (11); for the active substance at least one passage means (35, 36) associated with each closure member (30) to enable the active substance to pass from the internal chamber of the bottle (11) to the containing reservoir (21), each containing reservoir (21) having a **side wall (21b) defining a volume for containing a quantity of active substance which closes said passage means for the active substance, the side walls of the reservoirs being joined together by a common corridor which connects them together.**

2.1.4 Document **D2**, which do not disclose "at least two bottles" but only one bottle with two compartments, discloses the same or equivalent features of the present characterising

part (see fig. 9 and paragraphs 93 to 101 in document D2):

- for containing the active substance at least two reservoirs (70, 84) located in a position subjected to the action of the flushing water flow and arranged to receive the mouth (78, 98) of the bottle, like number of closure members (78), each positioned in said containing reservoir (70, 84) to each close the mouth (98) of the respective bottle (92, 94; "compartments"); for the active substance at least one passage means (98) associated with each closure member (78) to enable the active substance to pass from the internal chamber of the bottle (92, 94; "compartments") to the containing reservoir (70, 84).

There is no suggestion to provide the containing reservoirs with side walls which are connected together with a common corridor, nor exists a disclosure for a volume defined by the side walls for containing a quantity of active substance which closes the passage means. Therefore, **the combination of documents D1 and D2** does not lead to the subject-matter of independent claim 1.

- 2.2 Claims 2 to 7 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Remarks:

3. Following clarity problems (Article 6 PCT) should have been resolved:

- 3.1 Independent claim 1 should have been reformulated to disclose "at least two bottles", each of them having a separate internal chamber. In the present form it is not clear if bottles it self have "separate chambers", pointing out, that the separate bottles could have plurality of chambers inside of the separate bottles. This alternative is although not disclosed in the description. Further, the feature "passage means associated with" is very weak and leaves the reader in doubt how "far" something can be but still be somehow "associated" with something.